

Wetlands Bureau Decision Report

Decisions Taken
07/27/2009 to 08/02/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2008-00583 NH DEPT OF TRANSPORTATION
MANCHESTER Unnamed Stream

Requested Action:

Request a second amendment to provide flow under the new wall and positive drainage impacting an additional 2,320 sq. ft. of intermittent stream and paulustrine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment on original application

APPROVE AMENDMENT:

Second Amended permit to: Replace two 54 in. metal arch culverts with an 8 ft. x 5 ft. precast concrete box culvert adjacent to the Island Pond Rd. bridges over I-93, install a soundwall, construct a 10 ft. x 40 ft. stone lined ditch at a 24 in. stormdrain outfall, install a 24 in. culvert and regrade to facilitate positive flow impacting 17,220 sq. ft. of palustrine and riverine wetlands (6,769 sq. ft. temporary). NHDOT project #14170.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Design:
 - a. Dated 03/08, as received by the Department on April 15, 2008 and as modified per plan received July 1, 2009 and
 - b. Dated 03/08, modified 7/12/09 as received by the Department on July 24, 2009.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

17. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
18. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), alteration of more than 200 linear feet of stream and banks.
2. The first modification of the plan adds a small amount of stone for scour protection.
3. The second modification of the plan adds stone to realign the intermittent stream and a 24 in. culvert providing flow under the new wall along with regrading to provide a positive flow.
4. This is not considered a significant amendment as it is not greater than 20% and does not require a new application per RSA 482-A:3, XIV(e).

2009-00758 NH DEPT OF TRANSPORTATION, BUREAU OF RAIL & TRANSI
ANDOVER Prime Wetland

Requested Action:

Impact 12,852 sq. ft. within the 100 ft. prime wetland buffer by placing a 4 in. layer of hardpack on the existing ballast for use as a rail trail.

Conservation Commission/Staff Comments:

Cons. Comm. and Town of Andover in support
NH Fish and Game OK if no new areas of disturbance.

Inspection Date: 07/21/2009 by Gino E Infascelli

APPROVE PERMIT:

Impact 12,852 sq. ft. within the 100 ft. prime wetland buffer by placing a 4 in. layer of hardpack on the existing ballast for use as a rail trail. (NHDOT project #14823)

With Conditions:

1. All work shall be in accordance with plans by Dan Allen as received by DES on April 24, 2009.
2. The applicant shall notify in writing the DES Wetlands Bureau and the Conservation Commission of his/her intention to start construction no less than five (5) business days prior to the commencement of construction.
3. Coarse ballast shall be graded in a manner that:
 - a. No material shall be placed on any embankment of the old rail bed and
 - b. Runoff from the hardpack is filtered through the ballast.
4. Any stockpiling of material shall be out of jurisdiction.
5. There shall be no further alteration to the Prime Wetland buffer, wetlands or surface waters without amendment of this permit.
6. There shall be no dredging, removal, or disturbance of any existing vegetative undergrowth within the prime wetland or 100-foot buffer with the exception of the work area allowed by this permit.
7. Any further alteration of areas on this project that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence, which demonstrates that, the project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. The 100 ft. upland buffer to the Prime Wetland proposed to be impacted by the project currently being used for the same purposes requested in the application.
6. The plans accurately locate the boundary of the prime wetlands.
7. The project, as approved and constructed in adherence to the approved plans and conditions of the permit, will have no impacts to the Designated Prime wetland and only minimal impacts within the previously disturbed 100 ft. upland buffer.
8. On April 24, 2009, the DES received a letter from the Town of Andover Conservation Commission supporting the project.
9. Based on the inspection conducted on July 21, 2009 by the DES Wetlands Bureau, the project involves minimal impacts, all work in jurisdiction is limited to the 100 ft. upland buffer to the Prime Wetland and the placement of stone dust (hardpack) for a trail should have no impacts to any wetland areas as long as there is no work within the bank of the rail corridor down toward the wetlands.
10. As required per RSA 482-A:11, the DES held a public hearing prior to the issuance of a permit regarding the project proposing activity in or within 100 ft. of an area mapped, designated and filed as a prime wetland. The public hearing was held on July 23, 2009.
11. The project will provide a public benefit.
12. As there are no permanent impacts to any function or value, no mitigation is required under rule Env-Wt 703.01(b)(5) and Env-Wt 302.03(d).
13. Based on findings #1-12 above, there is clear and convincing evidence this proposal will have no loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

MINOR IMPACT PROJECT

2004-00558 **FIJOL, LINDA**
CHESTERFIELD **Unnamed Wetland**

Requested Action:

Dredge and fill approximately 7,835 square feet of emergent wetland to include 30 linear feet of impact to perennial stream for the upgrade of Forest Ave. to provide access to a golf center and retain an existing 24 inch culvert.

Conservation Commission/Staff Comments:

Conservation Commission signed the expedited application, though included additional comments. Questioned the potential existence for additional impacts associated with the access roadway, to include recommending a site inspection by DES staff.

Inspection Date: 01/08/2004 by Jeffrey D Blecharczyk

APPROVE AMENDMENT:

Dredge and fill approximately 7,835 square feet of emergent wetland to include 30 linear feet of impact to perennial stream for the upgrade of Forest Ave. to provide access to a golf center and retain an existing 24 inch culvert.

With Conditions:

1. All work shall be in accordance with following plans by SVE Associates dated February 13, 2004 with revisions through April 17, 2004, as received by the Department on June 1, 2004, to include:

- a.) Grading and Utility Plan (Sheet C4 of 8);
- b.) Erosion Control Plan (Sheet C5 of 8).

Amend this condition to retain an existing 24 inch culvert as identified on plans as received by the department on July 30, 2009.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources

Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

6. Work shall be done during low flow conditions.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a pre-application, field inspection of the proposed project on January 8, 2004. Field inspection determined presence of a stream channel through proposed access road, requiring a wetlands permit.
6. On June 4, 2009, DES compliance staff conducted a site inspection and determined that the existing 24 inch culvert does not adversely impact down stream conditions.
7. The Department has determined the project will have a minimal impact on the environment as designed.

**2006-02003 DESMARAIS CONSTRUCTION INC, STEVEN
MONT VERNON Unnamed Wetland**

Requested Action:

Approve name change to: Steven A. Desmarais Construction, Inc., 307 Elm St., Milford, NH 03055 and Portrait Homes, Inc., PO Box 458, Milford, NH 03055 per request received 7/23/09. Previous owner: Mitchell & Mason Desmaris.

APPROVE NAME CHANGE:

Dredge and fill 5,200 square feet of palustrine forested wetlands, including the installation of a 36-inch x 48-foot culvert and associated headwalls and rip-rap apron, to extend a public roadway (Westgate Road) to construct an access road to a 20-lot residential subdivision on an approximately 90 acre parcel with two (2) open-space lots approximately 43 acres in total area.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. received by the DES Wetlands Bureau on August 4, 2006, specifically: "Open Space Subdivision Plan, Harland's Woods" (Sheets 1 through 11), dated July 12, 2006 (revised); "Wetland

Classification and Vernal Pool Locations , Lot 5-65, Harland's Woods", dated July 24, 2006; "Wetlands Buffer Exhibit, Harland's Woods", dated July 12, 2006 (revised); and "Wetland Mitigation Plan, Lot 5-65, Harland's Woods", dated May 5, 2006.

2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds by the Permittee and a copy of the registered permit has been received by the DES Wetlands Bureau.
5. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #6 of this approval.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Prior to any site disturbance, the limits of the "Non-Disturbance Easements" (for Vernal Pools 3 and 5) and "Open-Space Easements" (for Vernal Pools 1, 2, 4, and 6), as illustrated on the plan entitled "Wetlands Buffer Exhibit, Harland's Woods", shall be clearly marked on-site with permanent monuments and, photo documentation shall be provided to the DES Wetlands Bureau.
8. All work shall be done during low flow.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
13. Silt fence(s) must be removed once the area is stabilized.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area to prevent accidental encroachment on wetlands.
17. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
18. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2006-02980

LARRIVEE, JONATHAN

LITTLETON Unnamed Wetland

Requested Action:

Proposal to increase the number of lots (5-lots to 12-lots and 3,324 sq. ft. of wetlands impact to 10,667 sq. ft. (includes 733 sq. ft. of restoration) of wetlands impact to address the redesign of the project due to the acquisition of additional land area and to address enforcement case for work done without a permit and not in accordance with the previous approval.

APPROVE AMENDMENT:

Dredge and fill 9,934 square feet of palustrine forested wetlands for construction of an access road and stormwater treatment and detention structures for a 12-lot residential subdivision on \pm 9.73 acres. Work also includes restoration of 733 sq. ft. of wetlands impacted during previous site work.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, LLC, revision dated June 2009, as received by the DES on June 29, 2009 and restoration narratives by Lobdell Associates Inc., as received by DES on July 15, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
5. All wetlands restoration activities shall be conducted before or during construction of the access road. Wetlands restoration shall be completed prior to the development of any of the building lots.
6. A New Hampshire Certified Wetland Scientist ("CWS") shall monitor the project during construction to assure it is constructed and restored in accordance with the approved plans and narratives.
7. A post-construction report documenting the status project area with photographs shall be prepared by a CWS and submitted to the Wetlands Bureau Compliance Section within 60 days of the completion of the restoration activities and at the end of the 2009 and 2010 growing season.
8. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
9. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain project specific condition #8 of this approval.
10. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
11. Work shall be done during low flow conditions.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
13. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
14. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. Project revisions address the requirements of the Letter of Deficiency (#08-019) issued by DES on June 18, 2008. The LOD will be released upon successful wetlands restoration and completion of the project.
3. The project has been redesigned from the July 15, 2008 amendment request to address concerns of DES and an abutter that objects to the project design and submitted information.
4. The abutter has reviewed the proposed plan and indicated to DES that he is satisfied with the changes and will allow restoration of the wetland area within 20 feet of the abutter's property line.
5. A permit name change was requested.
6. DES has approved the name change.
7. The DES Alteration of Terrain Program has issued an amendment approval.
8. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Littleton Conservation Commission.
9. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 10. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

11. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01446 WHITEFIELD, TOWN OF
WHITEFIELD Tributary To Johns River / Airport Marsh

Requested Action:

Propose to amend permit to include temporarily impacting 1310 square feet of wetlands and 33 linear feet of the west bank of Carroll Stream for the temporary installation of a water diversion structure consisting of two 48" diameter culverts, a stone outlet and associated grading; and for the temporary installation of sheet pile cofferdams during the construction of the permitted bridge.

APPROVE AMENDMENT:

Dredge and fill 3258 sq. ft. of wetlands and associated perennial stream (includes 2186 sq. ft. of temporary impacts) to replace an existing 13 ft. wide x 8 ft. rise x 40 ft. run closed bottom metal arch culvert with a 20 ft. wide x 7 ft. rise (including "pedestal") x 37 ft. run spanning pre-cast concrete arch bridge and associated wetlands impacts for upgrades to the roadway and side slopes. Approve amendment request to temporarily impact 1310 square feet of wetlands and 33 linear feet of the west bank of Carroll Stream for the temporary installation of a water diversion structure consisting of two 48" diameter culverts, a stone outlet and associated grading; and for the temporary installation of sheet pile cofferdams during the construction of the permitted bridge.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, LLC and CLD Consulting Engineers, Inc., titled "Existing Conditions Plan" and "Proposed Wetlands Impact Plan" dated March 2008, as received by DES on July 28, 2008 and plans by CLD Consulting Engineers, Inc., dated November 2008, as received by DES on December 10, 2008 and as revised through March 2009, as received by DES on April 28, 2009; and plans by Headwaters Hydrology entitled Whitefield Airport Bridge Replacement (sheets 1-3 of 3) dated June 23, 2009 as received by the DES on July 02, 2009.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. This permit is contingent on approval by the New Hampshire Fish and Game Department.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Temporary bank and wetlands restoration planting areas shall have at least 75% success after two (2) growing seasons, or the areas shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
8. A qualified environmental professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Work shall be done during low flow.
11. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
12. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be

stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

20. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

22. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact 303.04(n).

The Department reaffirms findings 2-8 of the original approval:

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The proposed bridge structure provides a larger hydrological opening than currently exists.

6. The applicant has obtained permission from the affected landowners for the proposed work.

7. The NH Fish and Game Department controls the adjacent dam and has granted the applicant permission to conduct the attached bridge/culvert replacement.

8. DES received comments from the NH Fish and Game Department, Nongame and Endangered Species Program that they do not expect any impacts to identified wildlife species near the project area.

And makes the following additional findings:

9. This amendment was necessary to permit the diversion of flows around the work area during construction by installing temporary water diversion structure and coffer dam.

2008-02782 RIVER RUN COMPANY INC CONWAY Unnamed Wetland

Requested Action:

Propose to permanently impact 7945 sq. ft. of wetlands and temporarily impact 430 sq. ft. of wetlands for the construction of a hotel, parking lot, and emergency vehicle access road. 1875 sq. ft. of previously filled floodplain wetlands will be restored.

APPROVE PERMIT:

Permanently impact 7945 sq. ft. of wetlands and temporarily impact 430 sq. ft. of wetlands for the construction of a hotel, parking lot, and emergency vehicle access road. 1875 sq. ft. of previously filled floodplain wetlands will be restored.

With Conditions:

1. All work shall be in accordance with the plans by Civil Solutions, LLC entitled Bancroft House Site Design (sheets 1; 3-8 of 8) as revised April 30, 2009 and received by DES on May 04, 2009.

2. This permit is contingent on approval by the DES Alteration of Terrain Program.

3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
5. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands
8. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
9. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Temporary impacts areas shall be restored to existing conditions. These areas shall be monitored and remedial actions taken if necessary.
14. Mulch within the restoration area shall be straw.
15. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
16. A certified wetland scientist shall conduct a follow-up inspection after the first growing season, to review the success of the restoration and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.
17. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
18. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
19. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Project revisions added the restoration of a floodplain wetland that was filled prior jurisdiction. This restoration will compensate for the lost floodplain storage. The area will be restored to a palustrine broad-leaved deciduous scrub shrub wetland and provide for 116 cubic yards of flood storage.
6. The restoration will occur concurrently with site development.
7. Construction and post-construction monitoring will be conducted by a certified wetland scientist.
8. Monitoring will continue to insure the site is stable, temporary impacts are restored and the restoration area is successfully re-established.
9. The affected abutters provided written agreements granting permission for the project.
10. The North Conway Fire Department stated that the extended parking area to be constructed would provide a viable alternative

means of emergency access to their coverage area.

11. The project will clean an area that was historically used for the disposal of creosote railroad ties, metal objects and associated debris.

12. No comments were submitted from the Conway Conservation Commission.

13. The Natural Heritage Bureau (NHB) has reviewed further details of this project and does not feel this project will have negative impacts on the nearby exemplary natural community

14. The NHFG Nongame and Endangered Wildlife Program commented that the project is not likely to impact rare wildlife species listed by NHB.

2009-00460

SLAVES OF THE IMMACULATE HEART OF MARY OF ST BENED

WASHINGTON Ashuelot Pond

Requested Action:

Install a 4 ft x 50 ft seasonal dock with a 4 ft x 30 ft seasonal dock attached to the lakeward end in a "T" configuration and a 4 ft x 50 ft seasonal dock with a 4 ft x 44 ft seasonal dock attached to the lakeward end in a "T" configuration accessed by a 4 ft x 33 ft permanent walkway, and retain 8 sq ft of wetland impact to support a bridge over a wetland, on property having an average of 1,792 ft of frontage on Ashuelot Pond, in Washington.

Conservation Commission/Staff Comments:

Con Com submitted comments

Ashuelot LRAC submitted comments

APPROVE PERMIT:

Install a 4 ft x 50 ft seasonal dock with a 4 ft x 30 ft seasonal dock attached to the lakeward end in a "T" configuration and a 4 ft x 50 ft seasonal dock with a 4 ft x 44 ft seasonal dock attached to the lakeward end in a "T" configuration accessed by a 4 ft x 33 ft permanent walkway, and retain 8 sq ft of wetland impact to support a bridge over a wetland, on property having an average of 1,792 ft of frontage on Ashuelot Pond, in Washington.

With Conditions:

1. All work shall be in accordance with dock plans by Meridian Land Services revision dated July 06, 2009, as received by DES on July 10, 2009, and wetland impact plans by Meridian Land Services dated February 26, 2009, as received by DES on March 16, 2009
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal piers shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 50 feet from the shoreline at full lake elevation.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of a docking system that provides 3 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application

Evaluation, has been considered in the design of the project.

5. The applicant has an average of 1792 feet of shoreline frontage along Ashuelot Pond.
6. A maximum of 24 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
8. The proposed dockage and wetland impacts are the least impacting alternative to provide access to the waterbody.

2009-00491 CANTERBURY, TOWN OF
CANTERBURY Bryant Brook

Requested Action:

Amendment proposal to reduce the approved culvert length to 30 feet.

APPROVE AMENDMENT:

Dredge and fill approximately 470 sq. ft. (198 linear ft.) of Bryant Brook and associated wetlands for the replacement of a failing 13.5 ft. wide elliptical CMP culvert with a new 8 ft. high x 18 ft. wide x 30 ft. run, natural embedded, concrete box culvert.

With Conditions:

1. All work shall be in accordance with plans by Lepene Engineering & Surveying, LLC, plan sheets 1 and 2 of 4 revision dated May 7, 2009, as received by DES on May 18, 2009 and revised plan sheets 3 and 4 of 4 revision dated July 22, 2009, as received by DES on July 27, 2009.
2. Work shall be done during low flow.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. The Town shall obtain temporary construction easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2009-00491 prior to construction.
7. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. The stream channel bed and culvert embedding materials shall be restored with natural round stone or existing natural streambed materials and shall not include angular rip-rap.
11. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure it constructed in accordance with the approved plans and narratives.
12. Bank restoration plantings shall have at least 75% success after two (2) growing seasons, or the areas shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
13. A post-construction report documenting the status of the restored streambed shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
14. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
15. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
16. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.

19. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
22. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
23. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
24. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
25. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

DES reaffirms findings 1 through 6.

1. This is a minor impact project per Administrative Rule Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed work is to replace a failing culvert. It is not an in-kind replacement, however, it is in the same footprint, is approximately 4.5 wider span, 6 ft. shorter run and is embedded with natural streambed material.
6. The New Hampshire Fish and Game Department, Nongame and Endangered Species Program does not expect impacts from the proposed project.
7. The shorter culvert should increase capacity and will provide more natural stream bed.

2009-00862 SHERMAN TRUST
NORTHWOOD Pleasant Lake

Requested Action:

Excavate 56 sq ft of bank to install a 4 ft x 8 ft concrete anchor pad, an 2 ft x 8 ft concrete pad, install a seasonal boat lift, install a seasonal canopy, on Pleasant Lake, Northwood.

Conservation Commission/Staff Comments:

Con Com chose not to sign Exp Application

DENY PERMIT:

Excavate 56 sq ft of bank to install a 4 ft x 8 ft concrete anchor pad, an 2 ft x 8 ft concrete pad, install a seasonal boat lift, install a seasonal canopy, on Pleasant Lake, Northwood.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Env-Wt 303.03(a), "Projects in any bank, flat, marsh, or swamp or in and

adjacent to any waters of the state or within 100 feet of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05."

3. In accordance with RSA 482-A:11,II "Decisions of the department or council under this chapter shall be consistent with the purposes of this chapter as set forth in RSA 482-A:1. Before granting a permit under this chapter, the department may require reasonable proof of ownership by a private landowner-applicant. If a permit is granted, the decision of the department may contain reasonable conditions designed to protect the public good. No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners."

4. In accordance with Env-Wt 302.04(a)"For any major or minor project, the applicant shall demonstrate by plan and example that the following factors have been considered in the project's design in assessing the impact of the proposed project to areas and environments under the department's jurisdiction: (1) The need for the proposed impact."

5. In accordance with Env-Wt 302.04(a) "For any major or minor project, the applicant shall demonstrate by plan and example that the following factors have been considered in the project's design in assessing the impact of the proposed project to areas and environments under the department's jurisdiction: (2) The alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site."

6. In accordance with Env-Wt 303.04(ab) "Construction of an anchoring pad for a seasonal dock provided: (1) The pad shall be constructed landward of the high water line or full pond elevation; (2) The pad shall not exceed 7 feet in width or impact more than 10 linear feet along the bank, with the bank fully stabilized upon completion of construction."

7. In accordance with Env-Wt 402.21 "Modification of Existing Structures. The department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration."

8. In accordance with Env-Wt 402.13 "Frontage Over 75'. To lessen congestion, improve public safety and navigation, protect neighboring property values, provide sufficient area for construction of facilities, provide adequate area for boat maneuvering, and protect health, safety, and general welfare, there shall be a minimum of 75' of shoreline frontage on the property for the first 2-slip structure and an additional 75' of shoreline frontage on the property for each additional boating slip or securing location on a structure for non-commercial use. This section shall not be interpreted to prevent construction of a dock on lots with less than 75' of shoreline frontage as provided in Env-Wt 402.11."

9. In accordance with Env-Wt 501.02 Env-Wt 501.02 "Additional Data Requirements.

(a) The applicant shall submit the completed application to the department along with at least the following:

(1) A copy or tracing of a town tax map showing the property of the applicant, the location of the proposed project on the property, and the location of properties of abutters with each lot labeled with the abutter's name(s) and mailing address(es);

(2) A drawing or drawings not to exceed 28 inches by 40 inches in size showing:

a. The name of the owner or applicant;

b. The tax map(s) and lot number(s);

c. The date of each plan and revision date if revised;

d. The person responsible for each portion of the plan, such as the wetland delineation, the survey, and the engineering;

e. An overview of the property and proposed impact areas in relation to the property lines;

f. The scale, if any, used on the plan, using standard measures of whole units such as an engineering rule of 1 to 10, metric engineering rule of 1 to 2.5, or architectural rule which clearly states the unit of measure;

g. If the drawing is not to scale, the dimensions of all existing and proposed structures and all other relevant features necessary to clearly define the project."

Findings of Fact

1. On May 11, 2009, the Wetlands Bureau received a Minimum Impact Expedited Application for surface water impacts on the lot identified as Northwood tax map 118, lot 10, to excavate 56 sq ft of bank to install a 4 ft x 8 ft concrete anchor pad, an 2 ft x 8 ft concrete pad, install a seasonal boat lift, install a seasonal canopy, on Pleasant Lake, Northwood.

2. The proposed project is located on a 60 ft ROW on tax map 118, lot 10. Tax map 118, lot 10 owner of record is Sellar Trust, Sherman Trust retains the use of the 60 ft right of way.

3. The Minimum Impact Expedited Application was signed by Richard Fisher, the agent for the Sherman Trust, who have a 60 foot deeded ROW on lot 10.
4. The Wetlands Bureau received comments on May 20, 2009 from the Northwood Conservation Commission stating they voted not to sign the application permit because the owner of record has not signed it and because the NCC is aware of ongoing litigation between the owner of the property and the easement holder as to the extent of that easement.
5. The Wetlands Bureau received comments on July 07, 2009, from the agent for the Sellar Trust. These comments state that Sellar Trust does not authorize the proposed work on the property they own.
6. In accordance with Env-Wt 402.13 the applicant has sufficient frontage to provide 3 slips on this frontage.
7. The existing docking structures on the frontage provide a minimum of 4 slips on approximately an average of 148 feet of frontage on Pleasant Lake.
8. The application materials submitted included several different plans from different authors. The plans submitted in support of the application included identified dimensions and indicated a scale on the plan. These dimensions and scales did not match or correspond to the proposed work.

Findings in Support of Denial

1. Pursuant to RSA 482-A:11,II, "no permit to dredge or fill shall be granted if it shall infringe on the property right or unreasonably affect the value or enjoyment of property of abutting owners", therefore the application is denied.
2. The proposed concrete pads exceed the design criteria 303.04(ab), therefore the application is denied.
3. The proposal to construct two large concrete pads to provide a secure anchor for the non-conforming dock and install a seasonal boatlift to secure a boat is not the least impacting alternative, therefore the application is denied.

2009-00895 COHAS BROOK SHOPPING CENTER LLC, WILLIAM PRENDERGA MANCHESTER Cohas Brook

Requested Action:

Proposal to impact approximately 9,600 sq. ft. wetlands, bank and intermittent stream/drainage ditches along Cohas Brook for the maintenance, repair and work associated with restoration of existing wetlands drainage system, intermittent stream/ditches, bank stabilization.

APPROVE PERMIT:

Impact approximately 8,500 sq. ft. wetlands, bank and intermittent stream/drainage ditches along Cohas Brook for the maintenance, repair and work associated with restoration of existing wetlands drainage system, intermittent stream/ditches, bank stabilization.

With Conditions:

1. All work shall be in accordance with plans by Consulting Engineers, Inc., plan sheet C1 revision dated April 29, 2009 (excluding the impact of 1,100 sq. ft. for sediment removal identified in "Site 1") and plan sheets D1 and D2 revision dated April 17, 2009, as received by DES on May 12, 2009.
2. A post-construction report documenting the status project areas with photographs shall be prepared by a New Hampshire Certified Wetland Scientist (CWS) and submitted to the Wetlands Bureau within 60 days of the completion of the project.
3. Any proposed erosion control matting shall not contain plastic netting or similar material that may entrap snakes or turtles.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during low flow.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater

Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

13. All activities shall be in accordance with the Comprehensive Shoreland Protection Act ("CSPA"), RSA 483-B. A CSPA permit will be required if any work is proposed in the CSPA that is not within jurisdictional wetlands (i.e., wetlands, streams/rivers or banks of streams/rivers).

14. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.

15. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The NH Fish and Game Department, Nongame and Endangered Species Program ("NHFGD") does not expect impacts to identified wildlife species from the proposed project and requested that erosion control matting not contain plastic netting and suggested the use of other materials such as "coco matting".

6. The permit is conditioned to address NHFGD's request.

7. The conservation commission provided a letter in support of the proposed project.

8. The project impacts consist of repairing existing intermittent streams/drainage ditches, bank repairs and wetland stormwater structure repairs.

9. The repairs should result in improved water quality leaving the site before entering the adjacent wetlands and Cohas Brook.

10. The applicant's agent submitted an amendment request dated July 23, 2009, as received by the DES on July 27, 2009, to alter the plans to leave approximately 1,100 sq. ft. of sediment within wetlands along Cohas Brook because it has re-vegetated with wetlands vegetation and is currently stable.

11. DES agreed with the assessment and removed that portion of the work from the approval.

2009-01366 ROCHESTER, CITY OF ROCHESTER Unnamed Wetland

Requested Action:

Dredge and fill a total of 9,993 sq. ft. of wetlands to upgrade 900 linear feet of existing dirt road to provide satisfactory access to City of Rochester municipal water supply treatment facility and production well. Temporarily impact approximately 800 sq. ft. of wetlands for installation of an associated water main.

APPROVE PERMIT:

Dredge and fill a total of 9,993 sq. ft. of wetlands to upgrade 900 linear feet of existing dirt road to provide satisfactory access to City of Rochester municipal water supply treatment facility and production well. Temporarily impact approximately 800 sq. ft. of wetlands for installation of an associated water main.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce dated 5/14/2009, as received by DES on 6/30/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impact is necessary to access a new municipal water treatment facility and to install a water main.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal follows the previously disturbed path of an existing dirt trail.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Rochester Conservation Commission did not report.

MINIMUM IMPACT PROJECT

2008-01251 PROCOPIO, KEVIN & MARY
TILTON Unnamed Wetland

Requested Action:

Request to fill 760 square feet of wetland for lot development.

APPROVE PERMIT:

Approve approximately 20 sq. ft. of temporary wetlands impact for construction of a deck on a proposed single family home.

With Conditions:

1. All work shall be in accordance with plans and narratives by Engineering Alliance, Inc., revision dated July 1, 2009, as received by DES on July 6, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. A qualified environmental professional shall monitor the project during construction to assure the work is conducted in accordance with approved plans and narratives.
9. Restoration of temporary wetlands impacts shall have at least 75% successful establishment of wetlands vegetation after one full growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. A post-construction report documenting the status wetlands restoration shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and after on full growing season following completion of construction.
11. Work shall be done during low flow.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project was previously denied untimely in error because DES had received the requested information.
6. Additional information was requested by DES and the applicant provided a response within the required timeframes.
7. The project wetlands impacts have been reduced from approximately 760 sq. ft. of permanent impacts to approximately 20 square feet of temporary impacts.
8. The applicant has received the required Shoreland Impact Permit (file #2009-00521).
9. The Conservation Commission (see letter dated July 20, 2009, as received by DES on July 21, 2009) submitted comments regarding deck material for vegetation growth, storage of disturbed materials and concern with the home being in the floodplain.
10. The deck is proposed to be 8 feet off the wetland surface. DES typically, requires a minimum of 3 feet of height on public access walkways above wetlands.
11. This approval is conditioned on dredge materials being placed outside of wetlands and proper erosion and sedimentation controls.
12. There is only a small temporary wetlands impact within the flood zone. A compensatory flood storage area has been provided. Additionally, the Wetlands Bureau does not regulate impacts in non-wetland flood plains.

2008-01608 GRAHAM, JOHN
ENFIELD Spectacle Pond

Requested Action:

Amend permit to allow the replacement "in kind" of an additional 20 linear feet of retaining wall to the west and the addition of 4 linear feet of retaining wall to retain the bank to the east.

Conservation Commission/Staff Comments:

Con Com did not submit any comments by October 14, 2008

APPROVE AMENDMENT:

Repair an existing 76 linear ft retaining wall with no change in configuration or location and extend the wall 4 feet to the east on Spectacle Pond, Enfield.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting LLC dated July 14, 2008, as received by DES on August 11, 2008 and amendment plans by Pathways Consulting dated July 14, 2009, as received by DES on July 17, 2009.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Repair shall maintain existing size, location and configuration.
4. Retaining wall shall be constructed in the same footprint as the existing wall.
5. Retaining walls shall match existing retaining wall height, no increase in wall height.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that is performed in the dry.

2009-00983 MANCHESTER WATER WORKS
MANCHESTER Unnamed Stream

Requested Action:

Proposal to temporarily impact approximately 175 sq. ft. of stream bed and bank to repair/relocate and existing water main and repair the adjacent box culvert wall.

APPROVE PERMIT:

Approval to impact approximately 175 sq. ft. of stream bed and bank to repair/relocate and existing water main and repair the adjacent box culvert wall.

With Conditions:

1. All work shall be in accordance with plans and narratives by Manchester Water Works, plans dated April 5, 2009 and narratives dated April 16, 2009, as received by DES on May 18, 2009.
2. Work shall be done during drawdown.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

11. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

16. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The project will maintain available water to the community

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

6. New Hampshire Fish and Game, Nongame and Endangered Wildlife Species Program indicated that they do not expect impacts to identified species in the area as a result of the proposed project.

7. The applicant included work on the box culvert that will be conducted by NH Department of Transportation (DOT). Correspondence in the application from the DOT District Engineer confirmed their intent.

FORESTRY NOTIFICATION

2009-01540 CHOCORUA FORESTLANDS LLC
TUFTONBORO Unnamed Stream

COMPLETE NOTIFICATION:
Tuftonboro Tax Map 20, Lot# 2

2009-01541 CHOCORUA FORESTLANDS LLC
MOULTONBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Moultonboro Tax Map 401, Lot3 4 & 5

2009-01543 BAILEY, JUDITH & STEVE OPPENHIEM
CHATHAM Unnamed Stream

COMPLETE NOTIFICATION:
Chatham Tax Map 8, Lot# 8

2009-01544 **SIEMON FAMILY CHARTITABLE TRUST, CARL**
MILTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Milton Tax Map 17, Lot# 23 & 24

2009-01545 **PLUMMER, MAY**
BATH **Unnamed Stream**

COMPLETE NOTIFICATION:
Bath Tax Map 4, Lot# 18

2009-01546 **FIFIELD TRUST, CHARLES**
MASON **Unnamed Stream**

COMPLETE NOTIFICATION:
Mason Tax Map D, Lot# 10 & 38

2009-01547 **BELL REVOC TRUST, CHARLES**
HOLLIS **Unnamed Stream**

COMPLETE NOTIFICATION:
Hollis Tax Map 38, Lot# 19

2009-01625 **LEWIN, READ**
SUTTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Sutton Tax Map 5, Lot# 014,369

2009-01627 **SPNHF**
GROTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Groton Tax Map 6, Lot# 13

2009-01628 **JOLLY, WILLIAM**
GROTON **Unnamed Stream**

COMPLETE NOTIFICATION:
Groton Tax Map 4, Lot# 10

2009-01629 CLAREMONT BEAGLE CLUB
CLAREMONT Unnamed Stream

COMPLETE NOTIFICATION:
Claremont Tax Map 194, Lot# 1

2009-01630 GILFORD, TOWN OF
GILFORD Unnamed Stream

COMPLETE NOTIFICATION:
Gilford Tax Map/Lot# 232/2 & 234/2

2009-01631 LEGG, JAY
DORCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Dorchester Tax Map 390, Lot# 1,2,3

EXPEDITED MINIMUM

2007-02151 MUELLER, GLENN
TUFTONBORO Lake Winnepesaukee

Requested Action:

Deny amendment request to increase the beach dimensions, add a new retaining wall and increase the dimensions of the deck over water on Lake Winnepesaukee, in Tuftonboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

DENY AMENDMENT:

Deny amendment request to increase the beach dimensions, add a new retaining wall and increase the dimensions of the deck over water on Lake Winnepesaukee, in Tuftonboro.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with Rule Env-Wt 302.04(a), Requirements for Application Evaluation, the applicant is required to demonstrate "the need for the proposed impact."
3. Rule Env-Wt 302.04(d) states that the Department shall not grant a permit if "(1) [t]here is a practicable alternative that would have a less adverse impact on the area and environments under the department's

jurisdiction."

4. Pursuant to Rule Env-Wt 302.01 "for non-tidal wetlands, need shall be demonstrated by the applicant prior to department approval of any alteration of non-tidal wetlands."
5. Pursuant to Rule Env-Wt 402.21 "Modification of Existing Structures. The department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration."
6. Pursuant to Rule Env-Wt 402.09 Env-Wt 402.09 "Structures Disallowed(c) Structures over the waters shall not be allowed for the transfer of any activities usually associated with land, including but not limited to sunbathing and picnicking."

Findings of Fact

1. On January 01, 2008, the Wetlands Bureau issued a permit to repair and maintain an existing 8 ft x 52 ft permanent dock supported by a 8 ft x 20 ft crib and a 8 ft x 29 ft crib, remove an existing concrete patio and construct a 11 ft x 16 ft perched beach in the same location and replace an existing 20 linear ft retaining wall on Lake Winnepesaukee, Tufonboro.
2. On April 09, 2009, the Wetlands Bureau received an after-the-fact request to amend the permit to increase the beach dimensions, add a new retaining wall and increase the dimensions of the deck over water on Lake Winnepesaukee, Tufonboro.
3. The information submitted indicates the existing stump was removed to install the stairs from the beach to the waterbody and rocks were dredged from the shoreline and lakebed to construct the structures and provide access to the waterbody.
4. The plan submitted in support of the amendment request indicates the deck over the water was expanded landward and increased in dimensions.

Rulings in Support of Denial

1. The after-the-fact request to retain the structures is not the least impacting alternative, therefore the request to amend the permit is denied.
2. The request to retain the modification to the deck is not approvable pursuant to Env-Wt 402.09, therefore the application is denied.

2009-00976 KRIEGER, ROBERT
SUNAPEE Lake Sunapee

Requested Action:

Repair and replace an existing permanent dock consisting of an 8 ft 3 inch x 24 ft 10 inch dock supported by a 4 ft x 1 ft 5 inch concrete pier and an 8 ft 1 inch x 14 ft 6 inch dock supported by a 5 ft 4 inch x 5 ft 4 inch crib in an "L" shaped configuration on an average of 99 ft of frontage on Lake Sunapee, in Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair and replace an existing permanent dock consisting of an 8 ft 3 inch x 24 ft 10 inch dock supported by a 4 ft x 1 ft 5 inch concrete pier and an 8 ft 1 inch x 14 ft 6 inch dock supported by a 5 ft 4 inch x 5 ft 4 inch crib in an "L" shaped configuration on an average of 99 ft of frontage on Lake Sunapee, in Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Robert Krieger, as received by DES on July 08, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation

action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.

5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2. The applicant has an average of 99 feet of shoreline frontage along Lake Sunapee.

3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.

4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

5. The approved project is to repair an existing docking structure "in kind" with no modifications to the pre-existing structure.

2009-01358 BECHT, RAYLENE

RYE Tidal Buffer Zone

Requested Action:

Impact a total of 2,130 sq. ft. within the previously developed 100-foot tidal buffer zone to include 1,177 sq. ft. of permanent impact and 953 sq. ft. of temporary impact for the construction of an addition to the existing single family residential dwelling and replace the existing septic system.

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 2,130 sq. ft. within the previously developed 100-foot tidal buffer zone to include 1,177 sq. ft. of permanent impact and 953 sq. ft. of temporary impact for the construction of an addition to the existing dwelling and replace the existing septic system on a single family residential lot of approximately 0.56 acres with 114 linear feet of shoreline frontage on Sagamore Creek.

With Conditions:

1. All work shall be in accordance with the Wetlands Permit Application plan by NHSC, Inc. dated May 2009, as received by DES on July 1, 2009.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. DES staff shall be notified in writing prior to commencement of work and upon its completion.

4. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."

5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. There shall be no further alteration of jurisdictional areas for lot development, driveways, culverts, for septic setback, or any other construction related activities.

8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01429 JACQUES, TIM
DUNBARTON Unnamed Wetland

Requested Action:

Proposal to impact 400 sq. ft. of wetlands for the construction of an approximately 2,000 sq. ft. recreation/wildlife pond.

APPROVE PERMIT:

Approval to impact 400 sq. ft. of wetlands for the construction of an approximately 2,000 sq. ft. recreation/wildlife pond.

With Conditions:

1. All work shall be in accordance with plans Aspen Environmental Consultants LLC, (Certified Wetland Scientist stamp date June 26, 2009), as received by DES on July 9, 2009.
2. Work shall be done during low flow.
3. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure the pond is constructed in accordance with the approved plans and narratives.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p) Construction of a pond with less than 20,000 sq. ft.

of wetlands impact.

2. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
3. The forested wetlands area to be impacted is less than 25 percent of the wetlands on the property.
4. The pond site utilizes 1,600 sq. ft. of uplands.
5. The Conservation Commission signed the application waiving their right to intervene in the project.

2009-01447 SUNSET BAY, RICHARD MANZONE
LACONIA Lake Winnepesaukee

Requested Action:

Replace two dock support pilings and replace a 3 pile ice cluster on a 21 slip docking facility on Lake Winnepesaukee, Laconia.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace two dock support pilings and replace a 3 pile ice cluster on a 21 slip docking facility on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated June 25, 2009, as received by DES on July 01, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The applicant has an average of 250 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 21 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-01501 DWIGHT, PETER & MARY BENS
SUNAPEE Lake Sunapee

Requested Action:

Repair an existing 18 ft x 30 ft boathouse with a 22 ft 2 in wide tapering to 6 ft wide dock on the easterly side supported by a 6 ft x 8 ft crib, a 8 ft x 12 ft crib, and a 8 ft x 8 ft crib on an average of 416 ft of frontage on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 18 ft x 30 ft boathouse with a 22 ft 2 in wide tapering to 6 ft wide dock on the easterly side supported by a 6 ft x 8 ft crib, a 8 ft x 12 ft crib, and a 8 ft x 8 ft crib on an average of 416 ft of frontage on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Richard Green, as received by DES on July 16, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

AGRICULTURE MINIMUM

2009-01262 ROUTHIER TRUST, BERNARD
STRATFORD Unnamed Stream

Requested Action:

Propose maintenance dredge of approximately 18,295 sq. ft. of a man-made vegetated swale for agricultural purposes.

APPROVE PERMIT:

Maintenance dredge of approximately 18,295 sq. ft. of a man-made vegetated swale for agricultural purposes.

With Conditions:

1. All work shall be done in accordance with plans by Natural Resource Conservation Service entitled Routhier Maintenance Dredging (Sheets 1 and 2 of 2) as received by DES on July 23, 2009.
2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. This permit shall be recorded with the county Registry of Deeds office by the permittee.
5. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Extreme precautions shall be taken to prevent sediment from entering the Connecticut River.
7. Machinery shall not be located within surface waters, where practicable.
8. Machinery shall be staged and refueled in upland areas.
9. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u), Maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The Natural Heritage Bureau report indicated Dwarf Wedge Mussel in the vicinity of the project.
4. NH Fish and Game Department commented that the project is not likely to impact rare wildlife species listed by NHB.
5. No comments were submitted from the NH Natural Heritage Bureau.

GOLD DREDGE

2009-01601 HOLMES, THOMAS
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Conservation Commission

ROADWAY MAINTENANCE NOTIF

2009-01578 NOTTINGHAM DPW, TOWN OF
NOTTINGHAM Unnamed Stream

COMPLETE NOTIFICATION:
Replace a 24" metal with a 24" HDPE culvert

2009-01579 NOTTINGHAM DPW, TOWN OF
NOTTINGHAM Tributary To Pawtuckaway Lake

COMPLETE NOTIFICATION:

Replace 3 metal 24" culverts with 24" HDPE culverts

2009-01581 **AMHERST, DEPT OF PUBLIC WORKS**
AMHERST **Unnamed Wetland**

COMPLETE NOTIFICATION:

Replace an existing catch basin closer to the road

2009-01582 **NH DRED**
PITTSBURG **Unnamed Wetland**

COMPLETE NOTIFICATION:

Reset, replace culverts, clean ditches, mow roadside, reshape and grade road surface

2009-01583 **MIDDLETON DPW, TOWN OF**
MIDDLETON **Unnamed Stream**

COMPLETE NOTIFICATION:

Replace several culverts

2009-01591 **NH DEPT OF TRANSPORTATION, DISTRICT 2**
ENFIELD **Unnamed Wetland**

COMPLETE NOTIFICATION:

Dig out silt and debris on the inlet, replace culvert extension, and dig out silt and debris on outlet.

2009-01592 **NH DEPT OF TRANSPORTATION, DISTRICT 2**
ENFIELD **Unnamed Wetland Unnamed Stream**

COMPLETE NOTIFICATION:

replace 15" CMP with 15" smooth plastic rebuild headers

2009-01593 **NH DEPT OF TRANSPORTATION, DISTRICT 3**
GILFORD **Unnamed Wetland**

COMPLETE NOTIFICATION:

Replace existing 24"x60' CMP with 36"x60' CMP and replace 18"x60' overflow CMP with 24"x60' overflow CMP

2009-01594 **NH DEPT OF TRANSPORTATION, DISTRICT 6**
NORTHWOOD **Unnamed Stream**

COMPLETE NOTIFICATION:

replace 12" slope pipe connected to catch basin on top of Route 4 embankment.

2009-01595 DERRY, TOWN OF
DERRY Unnamed Stream

COMPLETE NOTIFICATION:

replace 18"x40' corrugated metal culvert with new 24" plastic culvert. Replace stone headwall at upstream and downstream locations

2009-01596 NH DEPT OF TRANSPORTATION
JACKSON Unnamed Wetland

COMPLETE NOTIFICATION:

temporary headwall replacement at inlet of 36" CMP.

2009-01597 NH DEPT OF TRANSPORTATION
LYMAN Unnamed Wetland

COMPLETE NOTIFICATION:

10' extension to a 36" diameter CMP

2009-01598 NEWBURY, TOWN OF
NEWBURY Unnamed Wetland Unnamed Stream

COMPLETE NOTIFICATION:

replace 25' of 18" metal culvert with 18" concrete. clean ditch line

PERMIT BY NOTIFICATION

2009-01426 PSNH
DOVER Unnamed Wetland

Requested Action:

Temporarily impact 11,429 sq. ft. of wetlands for mat placement and permanently impact 137 sq. ft. of wetlands for replacement in-kind of 4 utility pole structures.

PBN IS COMPLETE:

Temporarily impact 11,429 sq. ft. of wetlands for mat placement and permanently impact 137 sq. ft. of wetlands for replacement in-kind of 4 utility pole structures.

2009-01500 GELLER, SHARON
CARROLL Unnamed Wetland

Requested Action:

Propose to dredge and fill 2950 sq. ft. of wetlands and an intermittent stream for access to a single family building lot. Work in

wetlands consists of wetland crossings including an intermittent stream crossing with a 36" diameter HDPE culvert and associated filling and grading.

PBN IS COMPLETE:

Dredge and fill 2950 sq. ft. of wetlands and an intermittent stream for access to a single family building lot. Work in wetlands consists of wetland crossings including an intermittent stream crossing with a 36" diameter HDPE culvert and associated filling and grading.

With Conditions:

1. All work shall be in accordance with plans by Headwaters Hydrology, entitled Sharon Geller Wetland Permitting (Sheets 1-3 of 3) as received by DES on July 17, 2009.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8) The installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial, recreational uses that meets the criteria in Env-Wt 303.04(z).
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program; the Carroll Conservation Commission; or the Natural Heritage Bureau.

**2009-01602 NORTHFIELD, TOWN OF
NORTHFIELD Unnamed Stream Wetland**

Requested Action:

Maintenance dredge and restore an existing man-made detention pond and construct a pond overflow and replace a failed culvert

PBN DISQUALIFIED:

Disqualify proposal to maintenance dredge and restore an existing man-made pond and construct a pond overflow and replace a failed culvert.

With Findings:

1. Env-Wt 506.01 Projects Qualifying for Permit by Notification.
 - (1) The construction or modification of a seasonal pier or wharf, located on a stream or river, that meets the criteria in Env-Wt 303.04(a);
 - (2) The repair or replacement of an existing retaining wall that meets the criteria in Env-Wt 303.04(c);
 - (3) Maintenance dredging that meets the criteria in Env-Wt 303.04(k);
 - (4) The construction of a temporary cofferdam and other water control devices that meets the criteria in Env-Wt 303.04(l);
 - (5) The repair of an existing docking structure that meets the criteria in Env-Wt 303.04(v);
 - (6) The excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, that meets the criteria in Env-Wt 303.04(w);
 - (7) The maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x);
 - (8) The installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial, recreational uses that meets the criteria in Env-Wt 303.04(z);
 - (9) The replenishment of an existing beach that meets the criteria in Env-Wt 303.04(aa);
 - (10) The construction of an anchoring pad for a seasonal dock that meets the criteria in Env-Wt 303.04(ab);
 - (11) The installation of a seasonal boatlift that meets the criteria of Env-Wt 303.04(ac);
 - (12) The installation of a personal watercraft lift that meets that criteria of Env-Wt 303.04(ad);
 - (13) The installation of a residential utility line that meets the criteria of Env-Wt 303.04(ae);

- (14) Temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).
2. The proposal does not meet the requirements Administrative Rule Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways, provided that:
- (1) The work is done within the original bounds of a legally-constructed project;
 - (2) The project is not located in or adjacent to prime wetlands;
 - (3) The work does not exceed 20,000 square feet; and
 - (4) For man-made ponds, the pond has not been abandoned as defined in Env-Wt 101.01;
- or
- Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet, provided:
- (1) No change in location, configuration, construction type, or dimensions is proposed; and
 - (2) The applicant certifies in writing that the structure, in its current location, configuration, construction type and dimensions:
 - a. Was previously permitted by the department and has not been abandoned; or
 - b. Would be considered grandfathered under Env-Wt 101.43 and has not been abandoned.
3. The previous Standard Dredge and Fill application for a Minor Impact Project was denied untimely (Wetlands Bureau File #2008-00980).
4. The department would consider approval of the project if all previously requested information (File #2008-00980) is addressed in a new application.
5. The department recognizes the need for the project, however, the proposed activities do not qualify for the Permit By Notification process.

CSPA PERMIT

2008-02720 WHITEFIELD, TOWN OF
WHITEFIELD Airport Marsh

Requested Action:

Impact 21,715 sq ft for the purpose of replacing an existing 13' wide arched culvert with a new 20' wide pre-cast concrete culvert, re-surfacing existing road, adding guardrail, and filling side slopes of an existing roadway.

APPROVE AMENDMENT:

AMENDMENT TO READ: Impact 21,715 sq ft for the purpose of replacing an existing 13' wide arched culvert with a new 20' wide pre-cast concrete culvert, re-surfacing existing road, adding guardrail, and filling side slopes of an existing roadway.

With Conditions:

1. All work shall be in accordance with plan sheet 3 by Headwater Hydrology dated June 23, 2009 and received by the Department of Environmental Services ("DES") on July 2, 2009.
2. This permit is contingent on approval by the DES Dam Bureau.
3. All actions that may result in, or have the potential to result in, either temporary or permanent impacts to wetlands are contingent upon receipt of an approved wetlands permit under RSA 482-A.
4. Whereas the NH Department of Fish and Game is the controlling agency for the Airport Marsh dam this permit is contingent on their approval.
5. The northern harrier (*Circus cyaneus*) and the graceful clearwing (*Hemaris gracilis*) have been identified as rare species that occur within the proposed project area. It the recommendation of the NH Fish and Game Nongame and Endangered Species Program that to limit the potential disturbance to these species construction shall be limited to the immediate areas of the road and bridge and construction equipment and materials are not staged in wet meadows of fields in the area of the Whitefield Airport.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and

areas to remain unaltered.

7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00325 LARRIVEE, JONATHAN
LITTLETON Ammonoosuc River

Requested Action:

After-the-Fact Permit request for the impacts associated with constructing an entrance road to a subdivision.

Conservation Commission/Staff Comments:

Project was placed on hold at the request of the applicant until the wetland impacts have been finalized. GEM was informed by WAT that the wetland impacts have been approved.

The applicant is seeking an "After-the-Fact" permit for the shoreland impacts

APPROVE PERMIT:

Retain 5,200 sq ft of impact for the purpose of constructing an entrance road to a subdivision.

With Conditions:

1. All site conditions shall be as shown on plans by Horizons Engineering, Inc revised June 2009 and received by the Department of Environmental Services ("DES") on June 29, 2009. 2. All future impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.

3. This permit is contingent on approval by the DES Alteration of Terrain Program.

4. All exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

5. No more than 12.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

6. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).

7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

9. This approval shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2009-00439 TWIN BRIDGE LAND MANAGEMENT LLC
NEW BOSTON Middle Branch Piscataquog

Requested Action:

Impact 94,439 sq ft for the purpose of constructing a road to a subdivision and a bio-retention area.

APPROVE PERMIT:

Impact 94,439 sq ft for the purpose of constructing a road to a subdivision and a bio-retention area.

With Conditions:

1. All work shall be in accordance with plan sheets P-1, P-2, and P-3 by Meridian Land Services, Inc. revised June 19, 2009 and received by the Department of Environmental Services ("DES") on July 13, 2009, and Subdivision Plans by Meridian Land Services, Inc. revised July 8, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Alteration of Terrain Program.
5. This permit is contingent upon compliance with the DES Wetlands Bureau Letter of Deficiency dated July 17, 2009, for DES Wetlands Bureau file no. 2009-01474.
6. This permit is contingent on the receipt of post-development tax maps to be consistent with subdivision plans approved by this permit.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
8. Any temporary impacts that occur within the waterfront buffer shall be revegetated with native trees, shrubs and ground covers upon completion of project installation.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Silt fencing must be removed once the area is stabilized.
15. No more than 2.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
16. The project as proposed will leave approximately 147,764 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 145,591 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
17. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
18. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
19. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
20. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The NH Natural Heritage Bureau (NHB) review indicated the presence of brook floater mussel and Eastern hognose snake in the project vicinity.
2. In correspondence received March 23, 2009, the NH Division of Historical Resources indicated a Phase I survey was required.

3. In correspondence dated April 23, 2009, the Environmental Protection Agency (EPA) raised concerns regarding completion of a vernal pool survey, explanation of Piscataquog River buffer protection and possible NH Natural Heritage Bureau comments.
4. In correspondence dated April 27, 2009, the Piscataquog River Local Advisory Committee (PRLAC) raised concerns regarding the projects close proximity to the Piscataquog River, runoff, culvert sizing and impacts to brook floater mussels.
5. The originally submitted design was revised to provide eliminate and reduce the acreage of residential lots to provide 34 acres of open space, increase buffers to the Piscataquog River and reduce a proposed subdivision road to emergency access.
6. In correspondence dated the June 23, 2009, the Russell Foundation expressed support for the proposed and stated their involvement will continue to ensure the designated open space is transferred to the appropriate conservation interests.
7. In email correspondence dated July 13, 2009, both the EPA and NHFG Nongame and Endangered Species Program indicated they did not have concerns regarding the revised proposal.
8. DES Staff conducted a field inspection of the proposed project on June 30, 2009. Field inspection determined possible DES Wetlands Bureau and Alteration of Terrain Program violations.
9. This permit is contingent upon compliance with the DES Wetlands Bureau Letter of Deficiency dated July 17, 2009, for DES Wetlands Bureau file no. 2009-01474.

2009-00695 COOLIDGE, LAWRENCE
CENTER HARBOR Squam Lake

Requested Action:

Impact 1,016 sq ft to construct a 360 sq ft storage building on piers and construct a 208 sq ft wooden walkway on posts from storage building to lake.

APPROVE PERMIT:

Impact 1,016 sq ft to construct a 360 sq ft storage building on piers and construct a 208 sq ft wooden walkway on posts from storage building to lake.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental dated June 30, 2009 and received by the Department of Environmental Services ("DES") on July 10, 2009.
2. No more than 0.845% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to native vegetation in the waterfront buffer associated with this project.
4. The project as proposed will leave approximately 499,404 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 255,896 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans or docking structures submitted by the applicant were not previously permitted or grandfathered.

2009-00990 FAIRMAN FAMILY TRUST, KATHERINE EATON TTEE
MOULTONBOROUGH Jolly Island

Requested Action:

Impact 816 for the purpose of constructing a deck onto an existing single-family dwelling.

APPROVE PERMIT:

Impact 816 for the purpose of constructing a deck onto an existing single-family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Katharine Eaton May 12, 2009 and received by the Department of Environmental Services ("DES") on June 24, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. No portion of the proposed deck may be constructed within the primary building setback.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 1.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 19,380 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 19,380 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00991 HEINSTROM, GARY
SANBORNTON Hermit Lake

Requested Action:

Impact 2,018 sq ft for the purpose of removing an existing, non-conforming, primary structure and constructing a new single-family dwelling with foundation within the existing foot-print and installing a state approved septic system.

APPROVE PERMIT:

Impact 2,018 sq ft for the purpose of removing an existing, non-conforming, primary structure and constructing a new single-family dwelling with foundation within the existing foot-print and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Gary Heinstrom dated July 8, 2009 and received by the Department of Environmental Services ("DES") on July 8, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. The stumps and root structures of any trees cut within the waterfront buffer shall be left intact in the ground in order to comply with RSA 483-B:9,V,(a),(2),(B).

4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 10.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 788 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 788 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01063 WEISMAN, CRAIG
NEW HAMPTON Lake Winona

Requested Action:

Impact 5009 sq ft for the purpose of removing the existing primary structure, installing a state approved septic system, and constructing a single-family dwelling and bio-retention area.

APPROVE PERMIT:

Impact 5009 sq ft for the purpose of removing the existing primary structure, installing a state approved septic system, and constructing a single-family dwelling and bio-retention area.

With Conditions:

1. All work shall be in accordance with plan sets 1, 2 and 3 by Bryan Bailey Associates Inc. revised May 27, 2009 and July 7, 2009 and received by the Department of Environmental Services ("DES") on July 10, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The proposed docking structure as shown on plan set 2 of 3 will require a Wetlands permit under RSA 483-B.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. The bio-retention area shall be installed within 6 months of installing the proposed foundation and the each segment of the waterfront buffer shall remain within the minimum point standards as defined in RSA 483-B.
9. No more than 22.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. The project as proposed will leave approximately 1,372 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,320 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain

in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01288 KALMANOFF, JONATHAN & WENDY SOBEL
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 9,900 sq ft for the purpose of constructing a new, conforming, residential dwelling and associated accessory structures.

APPROVE PERMIT:

Impact 9,900 sq ft for the purpose of constructing a new, conforming, residential dwelling and associated accessory structures.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated June 16, 2009 and received by the Department of Environmental Services ("DES") on June 23, 2009.
2. No more than 20.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 3,400 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,310 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

2009-01322 BEAUDET FAMILY TRUST 07/20/05
GILMANTON Crystal Lake

Requested Action:

Impact 1450 sq. ft. to replace pier foundation with a poured foundation under an existing structure.

Inspection Date: 07/16/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 1450 sq. ft. to replace pier foundation with a poured foundation under an existing structure.

With Conditions:

1. All work shall be in accordance with plans by Brian L. Bailey Associates Inc. dated May 21, 2009 and received by the Department of Environmental Services ("DES") on June 26, 2009.
2. No more than 38.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The proposed plantings in the waterfront buffer must be planted prior to the removal of the one 36 inch diameter white pine, as shown on the plans.
4. All vegetative groundcover temporarily removed during the installation of the poured foundation must be restored and replanted within 7 days of completion of the project.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

As per Senate Bill 134 signed by Governor Lynch on July 29, 2009, the one 36 inch white pine and stump can be removed as long as the vegetation is replanted in the waterfront buffer.

2009-01410 LECLAIR, EDGAR/JACQUELINE
FRANCONIA Gale River

Requested Action:

Impact 9,605 sq ft for the purpose of constructing a new 3 bedroom residential dwelling, associated accessory structures and new septic system.

APPROVE PERMIT:

Impact 9,605 sq ft for the purpose of constructing a new 3 bedroom residential dwelling, associated accessory structures and new septic system.

With Conditions:

1. All work shall be in accordance with plans by Presby Construction, Inc. dated June 30, 2009 and received by the Department of Environmental Services ("DES") on July 7, 2009.
2. No more than 10.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 8,521 sq ft of the Natural Woodland Buffer beyond the primary building

setback in an unaltered state. At least 3,195 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

2009-01444 CAMP SPOFFORD EVANGELICAL FREE CHURCH
SPOFFORD Spofford Lake

Requested Action:

Impact 9,200 sq ft for the purpose of constructing a new multi-use chapel building.

APPROVE PERMIT:

Impact 9,200 sq ft for the purpose of constructing a new multi-use chapel building.

With Conditions:

1. All work shall be in accordance with plans by David Bergeron, Brickstone Masons, Inc. dated July 1, 2009 and received by the Department of Environmental Services ("DES") on July 10, 2009.
2. No more than 18.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 6,400 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 17,918 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control

Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Silt fencing must be removed once the area is stabilized.

12. This permit is contingent on approval by the DES Subsurface Systems Bureau.

2009-01472 COBBAN, NANCY/ROBERT
DERRY Island Pond

Requested Action:

Impact 900 sq ft for the purpose of constructing a replacement septic system.

APPROVE PERMIT:

Impact 900 sq ft for the purpose of constructing a replacement septic system.

With Conditions:

1. All work shall be in accordance with plans by Tobin Farwell dated July 3, 2009 and received by the Department of Environmental Services ("DES") on July 14, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).
8. No more than 10.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01483 TRUE, CAROL/GARY
CANTERBURY Rocky Pond

Requested Action:

Impact 8,434 sq ft for the purpose of constructing a new, conforming, residential dwelling and installing a new septic system.

APPROVE PERMIT:

Impact 8,434 sq ft for the purpose of constructing a new, conforming, residential dwelling and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans submitted by Steven Lewis, Inc. dated July 1, 2009 and received by the Department of Environmental Services ("DES") on July 17, 2009.
2. No more than 26.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 0.0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,003 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Areas previously covered by impervious surfaces within the waterfront buffer must be revegetated with native, non-invasive vegetation upon completion of the proposed project.

**2009-01512 REID FAMILY TRUST, CRAIG
BRISTOL Newfound Lake**

Requested Action:

Impact 2554 sq ft for the purpose of installing an upgraded septic system.

APPROVE PERMIT:

Impact 2554 sq ft for the purpose of installing an upgraded septic system.

With Conditions:

1. All work shall be in accordance with plans by Tony Lamarine Land Services dated July 15, 2009 and received by the Department of Environmental Services ("DES") on July 16, 2009.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Silt fencing must be removed once the area is stabilized.
10. This permit is contingent on approval by the DES Subsurface Systems Bureau.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Findings:

1. The project as proposed will not result in any increases in impervious area, therefore, it is not necessary to determine the existing area of imperviousness of the lot within the protected shoreland.
2. Rule Waiver Approved: Rule Env-Wq 1406.12 (h) has been waived to allow omission of the shoreland application worksheet because it satisfies the criteria of a Env-Wq 1413.04.

CSPA PERMIT W/WAIVER

2009-00305 MOUSTAKIS, CHRISTINA
TUFTONBORO Lower Beech Pond

Requested Action:

Impact 1,305 sq ft to construct a State approved septic system and add a 10'x 12' sunroom to an existing non-conforming structure, and remove two outhouses.

Inspection Date: 06/02/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 1,305 sq ft to construct a State approved septic system and add a 10'x 12' sunroom to an existing non-conforming structure, and remove two outhouses.

WAIVER APPROVED: RSA 483-B:9,II,(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated June 2009 and received by the Department of Environmental Services ("DES") on June 25, 2009.
2. No new impervious surfaces shall be constructed until the DES approved subsurface system is installed, and the two outhouses are completely removed. failure to install the subsurface system prior to the construction of the sunroom shall be considered a violation of this permit and RSA 483-B.
3. This approval includes a Waiver of RSA 483-B:9,II(b) and, therefore, shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
4. No more than 9.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 7,765 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,629 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lower Beech Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in an increase in impervious surfaces from 9.6% to 9.8%.
4. The applicant has proposed to install a new State approved septic system, and plant native vegetation in the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00315 BOURQUE, DENIS
LACONIA Lake Winnepesaukee

Requested Action:

Impact 14,182 sq ft to remove a 5 unit structure, remove portions of pavement and parking, build a 3 unit residential structure, landscape, and install a sidewalk in the City's Right of Way.

Inspection Date: 04/14/2009 by Grant E Mecozzi

APPROVE PERMIT:

Impact 14,182 sq ft to remove a 5 unit structure, remove portions of pavement and parking, build a 3 unit residential structure, landscape, and install a sidewalk in the City's Right of Way.

WAIVER APPROVED: RSA 483-B:9(g)(1) is waived to allow for reconstruction of impervious surfaces that will exceed 30% coverage of the lot.

With Conditions:

1. All work shall be in accordance with plans by Steven J. Smith and Associates dated July 23, 2009 and received by the Department of Environmental Services ("DES") on July 23, 2009.

2. This approval includes a Waiver of RSA 483-B:9(V)(g)(1) and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the docking structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
5. Planting of vegetation shall be planted as per plans by Jordan Associates dated July 7, 2009 and received by DES July 27, 2009.
6. No more than 54.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The project as proposed has 54% impervious surfaces with setback to Lake Winnepesaukee and, therefore, fails to conform to the impervious surfaces restriction set forth in RSA 483-B:9(V)(g)(1) of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. There is no longer an effective Natural Woodland Buffer between 50 and 150 ft from the primary building setback since the entire area is currently in an altered state.
4. The project as proposed would result in an decrease in impervious surfaces from 72% to 54%.
5. The applicant has proposed to reduce impervious surfaces, plant native vegetation, and install two rain gardens and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00722 WEATHERDON, PETER
ENFIELD Mascoma Lake

Requested Action:

Impact 100 sq ft for the purpose of constructing an 64 sq ft shed on skids and converting an impervious patio to pervious by use of pervious technologies.

APPROVE PERMIT:

Impact 100 sq ft for the purpose of constructing an 64 sq ft shed on skids and converting an impervious patio to pervious by use of pervious technologies.

WAIVER APPROVED: Pursuant to RSA 483-B:11 II, 483-B:9,V,(g)(1) is hereby waived to allow the construction of a 64 sq ft shed on property that fails to conform to the 30% impervious surface limit.

With Conditions:

1. This approval includes a waiver of RSA 483-B:9,V,(g)(1) and, therefore, shall not be effective until it has been recorded at the Grafton County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
2. All work shall be in accordance with plans by Peter Weatherdon revised June 30, 2009 and received by the Department of Environmental Services ("DES") on July 6, 2009.

3. No impervious surfaces shall be constructed on the proposed lot of record until the existing patio is converted to a pervious material.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No more than 33.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. There shall be no impacts to native vegetation associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing lot of record fails to meet the impervious surface restrictions set forth in RSA 483-B:9,V,(g)(1) of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in the addition of a 64 sq ft shed.
4. The applicant has proposed to use pervious technologies to reduce the impervious surface area on the lot to 33.1 % from the existing 34.0% and install drip edges around the proposed shed and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-00752 ARKWELL, JEAN
MILTON**

Requested Action:

Impact 2,232 sq ft to construct an addition to an existing nonconforming structure and place a foundation under the structure.

Inspection Date: 05/27/2009 by Raymond M Reimold

DENY PERMIT:

Impact 2,232 sq ft to construct an addition to an existing nonconforming structure and place a foundation under the structure.

With Findings:

Standards for Approval:

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."
2. Pursuant to RSA 483-B:11, II, "When reviewing requests for the redevelopment of sites...the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to public waters."
- 3 In accordance with RSA 483-B:11, II, "More nearly conforming means a proposal for significant changes to the location or size of

existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

Findings of Fact:

1. The Applicant is the owner of a lot that is approximately 0.12 acres in size located within the protected shoreland of Town House Pond (also known as Tri-Echo Lake more particularly identified as Milton tax map 33, lot 287 (the "Property"))
2. The Applicant claims there is an existing 464 sq ft structure located 21.5 ft from the reference line. The primary structure fails to meet the primary building setback established in RSA 483-B:9, II, (b) and is, therefore, a non-conforming structure.
3. On April 27, 2009 the Department of Environmental Services received a request for a waiver of RSA 483-B:9, II, to construct an addition to the existing non-conforming structure and place a foundation under the structure.
4. On May 27, 2009, DES staff inspected the property and found that the plans and application materials do not accurately represent the structures and conditions on the property.
5. The inspection found that two areas represented as being either decks or porches that were part of the existing structure were in fact not part of the structure and were apparently old dock segments placed on the ground adjacent to the structure.
6. The dock segments placed on the ground are not structures and cannot be used to justify the issuance of a waiver of RSA 483-B:9.

Ruling in Support of the Decision:

1. The Applicant has failed to submit plans that accurately represent the existing conditions on the property, therefore, the application is not approvable.
2. Based upon the actual site conditions as observed during the field inspection by DES staff, the proposed project would not more nearly conform to the requirements and intent of RSA 483-B and, therefore, the application is denied in accordance with RSA 483-B:3.

2009-01296 FINE, ALBERT
TILTON Lakw Winnisquam

Requested Action:

Impact 1470 sq ft for the construction of a new 1848 sq ft home with garage

Inspection Date: 07/15/2009 by Raymond M Reimold

DENY PERMIT:

Impact 1470 sq ft for the construction of a new 1848 sq ft home with garage

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."
2. Pursuant to RSA 483-B:11, II, "When reviewing requests for the redevelopment of sites...the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to public waters."
3. In accordance with RSA 483-B:11, II, "More nearly conforming means a proposal for significant changes to the location or size of existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

Findings of Fact

1. The Applicant is the owner of an approximately 0.37 acre lot within the protected shoreland of Lake Winnisquam more particularly identified as Tilton tax map U-2, lot 38 (the "Property")
2. The existing 2,253 sq ft structure is located approximately 22 ft from the reference line and is, therefore, a non-conforming structure.
3. On June 23, 2009 the Department of Environmental Services received a request for a waiver of RSA 483-B:9(V)(g)((1)&(2) in order to raze the existing structure and replace it with a larger structure, resulting in an increase in the area of the lot covered by impervious surfaces from 35.19% to 35.75%.
4. The project as proposed would raze an existing non conforming structure that does not meet the 50 ft setback required per RSA 483-B:9(II)(b), and replace it with a larger structure that would also fail to meet the 50 ft setback.
5. The property is of sufficient size to accommodate a similarly sized primary structure that would meet the required 50 ft setback.

Ruling in Support of the Decision

1. The issuance of a waiver to increase impervious surfaces from 35.19% to 35.75% would not be permissible under RSA 483-B:9(V)(g)(1) and, would not be consistent with the intent of RSA 483-B.
2. The issuance of a waiver to raze an existing nonconforming structure and replace it with a larger structure that does not meet the 50 foot building setback on a lot that could support a structure that would meet the 50 foot setback would not be permissible under RSA 483-B:9(II)(b), and, would not be consistent with the intent of RSA 483-B.
3. In accordance with RSA 483-B:3, the request for a permit including a waiver of RSA 483-B:9 is denied.

2009-01351 FRENCH RIVER LAND COMPANY **ASHLAND Squam River**

Requested Action:

Retain 1,125 sq ft of impact to construct a temporary access road in order to complete emergency dam repairs.

Inspection Date: 07/15/2009 by Raymond M Reimold

APPROVE AFTER THE FACT:

Retain 1,125 sq ft of impact to construct a temporary access road in order to complete emergency dam repairs.

With Conditions:

1. All work shall have been completed in accordance with plans by Faye Engineering dated June 20, 2009 and received by the Department of Environmental Services ("DES") on June 30, 2009.
2. No more than 2.98% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Area shall be regraded to original contours following completion of work.
5. This permit is contingent on approval by the DES Dam Safety Program.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.